

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**BRENDAN KELLY,  
Plaintiff,**

**v.**

**LIBERTY INSURANCE CORPORATION,  
  
Defendant.**

**CIVIL ACTION NO. 15-CV-00234-JL**

**JOINT STIPULATED TIMELINE OF SIGNIFICANT EVENTS  
SUBMITTED BY PLAINTIFF BRENDAN KELLY AND  
DEFENDANT LIBERTY INSURANCE CORPORATION**

Pursuant to the Court's Procedural Order dated December 29, 2017, Plaintiff Brendan Kelly and Defendant Liberty Insurance Corporation ("Liberty") hereby submit the following Joint Stipulated Timeline of Significant Events.

**Joint Stipulated Timeline of Significant Events**

<b><u>Date</u></b>	<b><u>Event</u></b>
1989	Plum Creek Timber Company transitions from private to public company.
1994	David Brown begins working at Plum Creek Timber Company Inc. (“Plum Creek” or the “Company”).
1999	Michael Day assumes the role of Senior Vice President at AON Risk Services (“AON”).
May of 1999	Kent Jones begins working at Plum Creek in the role of Resource Accounting Manager.
8/15/2001	Mr. Jones assumes the role of Director of Accounting – Shared Services, Manufacturing and Risk Management.
2002	Sarbanes-Oxley Act of 2002 (“SOX”) goes into effect.
Beginning in 2002	Mr. Jones rejects under/uninsured motorist (“UM”) coverage on behalf of Plum Creek on an annual basis in each state in which such rejection was permitted.
2003 or 2004	Plum Creek Board of Directors issues written Delegation of Authority.
2004	Regulations under SOX go into effect.
12/1/2004	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
January 2005	Lisa Duetsch begins working at Plum Creek and Mr. Jones is her supervisor.
Beginning in 2005	Mr. Jones delegates the responsibility of executing UM selection/rejection forms to Ms. Duetsch.
On or about June 1, 2005	Mr. Jones verbally instructs Ms. Duetsch to complete the UM forms associated with Plum Creek’s June 1st renewal of its casualty policies. Mr. Jones reviews the forms before Ms. Duetsch mails them to Plum Creek’s insurer(s). Mr. Jones provides these instructions in Ms. Duetsch’s office, when she informs him that she had received the forms.
Beginning in 2005	In authorizing Ms. Duetsch to execute the UM selection/rejection form forms, Mr. Jones provides Ms. Deutsch with a written Delegation of Authority Memorandum.
Beginning in 2005	When Mr. Jones assigned Ms. Duetsch the responsibility of executing UM coverage selection/rejection forms on behalf of Plum Creek, he verbally instructs Ms. Duetsch to execute the UM forms so as to reject such coverage where permitted by law.
2005 to 2015	Ms. Duetsch executes UM coverage selection/rejection forms on behalf of Plum Creek so as to reject coverage annually.
7/1/2005	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
8/1/2005	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
9/1/2005	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.

<u>Date</u>	<u>Event</u>
On or about June 1, 2006	Mr. Jones verbally instructs Ms. Duetsch to complete the UM forms and indicates that he is comfortable not reviewing the forms given Ms. Duetsch's demonstrated comprehension of Plum Creek's intent to reject such coverage, as well as the accuracy of the prior years' forms Ms. Duetsch had completed. Mr. Jones provides these instructions in his office during a scheduled weekly meeting with Ms. Duetsch.
6/1/2006	After the Delegation of Authority Memorandum is updated to explicitly grant Ms. Duetsch authority to complete the UM forms, Ms. Duetsch informs Mr. Jones of the status of her completion of these forms during their scheduled weekly meeting.
8/1/2007	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
12/1/2007	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
Sometime in 2008	Ms. Duetsch assumes the title of Manager, Risk & Insurance.
Sometime in 2008	Plum Creek provides Ms. Duetsch with a company email address which she used to communicate with insurers and insurance brokers, which lists her title as "Manager, Risk & Insurance."
Sometime in 2008	Plum Creek supplies Ms. Duetsch with business cards which identify her title as "Manager, Risk & Insurance."
June of 2009	Mr. Day begins working on Plum Creek's account when the previous casualty broker retires.
June 2010	Liberty Insurance Corporation ("Liberty") submits to New Hampshire Insurance Department forms for its "new Commercial Umbrella Product" listing "New Hampshire Excess Uninsured Motorists Coverage Selection or Rejection Form" in list of "Form Attachments."
8/1/2010	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
11/1/2010	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
8/1/2011	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
2012 and 2013	David Lambert, Plum Creek's CFO, provides authorization for the binding of Plum Creek's insurance program.
5/14/2012	Email sent from Paulo Aguiar of Liberty to Mr. Day with the subject line: "Plum Creek Timber Company - Lead Umbrella Quote."
5/23/2012	Email sent from Mr. Day to Mr. Aguiar responding to email with the subject line: "Plum Creek Timber Company - Lead Umbrella Quote."
5/24/2012	Email sent from Mr. Day to Mr. Aguiar with the subject line: "Plum Creek Timber Company - Lead Umbrella Binding Order."
5/25/2012	Email sent from Mr. Aguiar to Mr. Day with the subject line "Plum Creek Timber Company - Lead Umbrella Binding Order" and attaching official lead umbrella binder letter.

<u>Date</u>	<u>Event</u>
6/1/2012	Commercial Liability Umbrella Policy #TH7-661-066340-012 issued by Liberty goes into effect, with effective dates 6/1/12 – 6/1/13. The New Hampshire Excess Uninsured Motorists Coverage Selection or Rejection Form is not attached to the policy.
6/1/2012	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
6/15/2012	Ms. Duetsch completes and signs UM coverage forms reflecting the rejection of coverage for Florida, Louisiana, New Hampshire and West Virginia.
6/15/2012	Email sent from Mr. Day to Evelyn Surban of Liberty with the subject line “Plum Creek - Signed TRIA and UM Rejection forms” attaching executed UM forms for Florida, Louisiana, New Hampshire and West Virginia.
6/15/2012	Email sent from Mr. Day to Evelyn Surban with a copy to Paulo Aguiar with the subject line “Plum Creek Timber Company - Lead Umbrella Binding Order.”
6/15/2012	Email sent from Evelyn Surban to Mr. Day with a copy to Paulo Aguiar with the subject line “Plum Creek Timber Company - Lead Umbrella Binding Order.”
12/1/2012	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
2/22/2013	Plum Creek issues Form 10-K Annual Report for the Fiscal Year Ending December 31, 2012.
3/15/2013	Email sent from Martha Kuykendall of Liberty to Mr. Day of AON and Ms. Cameron of Liberty with the subject line “Umbrella Renewal Information Request - Plum Creek Timber Company, Inc.
5/3/2013	Email sent from Connie Cameron to “LMProdUmbSanRamon” and Evelyn Surban with a copy to Mr. Day with the subject line “FW: Plum Creek -- Umbrella Renewal Eff: 6/01/2013.”
5/3/2013	Email from Mr. Day to Connie Cameron at Liberty with the subject line “Plum Creek -- Umbrella Renewal Eff: 6/01/2013.”
5/21/2013	Email sent from Mr. Day to Mr. Aguiar and Ms. Surban with the subject line “FW: Plum Creek Timber Company Renewal Eff: 06/01/2013”
5/21/2013	Email sent from Mr. Day to Ms. Cameron with the subject line “Plum Creek Timber Company Renewal Eff: 06/01/2013.”
5/23/2013	Email sent from Mr. Aguiar to Mr. Day with a copy to Ms. Cameron and the subject line “RE: Plum Creek Timber Company, Inc. - Lead Umbrella Renewal Quote.”
5/29/2013	Email sent from Mr. Day to Ms. Brissey with the subject line “FW: Plum Creek Timber Company, Inc. - Liberty Lead Umbrella Renewal Quote/Contacts,” attaching 2013 umbrella quote.
5/30/2013	Ms. Duetsch completes and signs the NH UM Form reflecting a rejection of UM coverage.
5/30/2013	Ms. Duetsch completes and signs UM forms reflecting a rejection of UM coverage for Florida, Louisiana and West Virginia.

<u>Date</u>	<u>Event</u>
5/30/2013 12:55 pm	Email sent from Ms. Brissey to Ms. Cameron and Mr. Aguiar with a copy to Mr. Day and the subject line "RE: Plum Creek Timber Company, Inc. - Liberty Umbrella Renewal Quote/Contacts."
5/30/2013 1:32 pm	Email sent from Ms. Cameron to Ms. Brissey and Mr. Aguiar with a copy to Mr. Day with the subject line "FW: Plum Creek Timber Company, Inc. - Liberty Umbrella Renewal Quote/Contacts."
5/30/2013 2:07 pm	Email sent from Ms. Brissey to Ms. Cameron with the subject line "RE: Plum Creek Timber Company, Inc. - Liberty Umbrella Renewal Quote/Contacts."
5/30/2013 5:30 pm	Email sent from Ms. Cameron to Ms. Brissey with the subject line "RE: Plum Creek Timber Company, Inc. - Liberty Umbrella Renewal Quote/Contacts" attaching "Plum Creek Timber Co., Inc. Binder 6-1-13.pdf."
6/1/2013	Commercial Liability Umbrella Policy TH7-661-066340-013 issued by Liberty goes into effect, with effective dates 6/1/13 – 6/1/14. The New Hampshire Excess Uninsured Motorists Coverage Selection or Rejection Form is not attached to the policy.
6/1/2013	ACE Auto Liability Policy ISA-H08684935 goes into effect.
6/3/13 12:48 pm	Email sent from Ms. Brissey to Ms. Cameron with the subject line "Plum Creek Timber Company -- signed TRIA and UM/UIM forms" and attaching executed UM forms for Florida, Louisiana, New Hampshire and West Virginia.
6/3/2013 3:31 pm	Email sent from Ms. Cameron to Ms. Surban with the subject line "FW: Plum Creek Timber Company -- signed TRIA and UM/UIM forms" and attaching executed UM forms for Florida, Louisiana, New Hampshire and West Virginia.
7/1/2013	Mr. Jones issues an updated Delegation of Authority Memorandum to his department.
12/10/2013	Date of loss. Plaintiff Brendan Kelly is injured in a motor vehicle collision in Columbia, New Hampshire.
2/28/2014	Plum Creek issues Form 10-K Annual Report for the Fiscal Year Ending December 31, 2013.
8/26/14	Email sent from Joseph Covert of Liberty to counsel for Mr. Kelly (Atty. Stein) attaching Liberty Commercial Liability Umbrella policy.
9/15/14	Email sent from Joseph Covert of Liberty to Paul Stuart of ACE American Insurance and Lisa Duetsch of Plum Creek with subject line "Re: Brendan Kelly-Plum Creek DOL – 12/10/13.
9/15/14	Email sent from Joseph Covert of Liberty to counsel for Mr. Kelly (Atty. Stein) attaching copy of New Hampshire Excess Uninsured Motorists Coverage Selection or Rejection Form signed by Ms. Duetsch on May 30, 2013.
12/10/14	Liberty denies coverage to the plaintiff in a letter sent by Mr. Covert to Atty. Stein.
February of 2016	Weyerhaeuser Company acquires Plum Creek.

<u>Date</u>	<u>Event</u>
n/a	Mr. Jones maintained delegation of authority memoranda in his files for the years 2004, 2005, 2007, 2010, 2011, 2012, 2013, 2014 and 2015, which were updated as needed
n/a	Ms. Duetsch and Mr. Jones met annually with the underwriter for Plum Creek's primary casualty insurer. During these meetings Ms. Duetsch and the underwriter discussed the execution of the forms in the presence of Mr. Jones.
n/a	Several meetings per year were held at Plum Creek's Seattle office with respect to the binding or purchase of insurance. Mr. Lambert, Mr. Brown and Mr. Jones attended these meetings along with representatives from Plum Creek's insurance brokers.

**BRENDAN KELLY**

By his attorneys,  
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/s/ Robert Stein

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By its attorneys,

/s/ Lavinia Weizel

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Dated: January 22, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2018, I electronically filed the foregoing document with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to counsel of record for the parties.

/s/ Lavinia Weizel

Lavinia M. Weizel